

REMARKS

1. Summary of the Office Action

Claims 1-11 stand rejected under § 102(b) as allegedly being anticipated by U.S. patent no. 4,583,213 (hereinafter "Bracken").

2. Response to § 102 Rejections

Applicants respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1, as amended, includes the limitation of "a drive including an opening in a front side of the drive through which a tray for receiving a disc is displaceable" and "wherein the fragment barricade is positioned within the drive so as **to prevent fragments of a disc from escaping from the front side of the drive including the opening.**" Thus, the present invention provides a barricade to disc fragments from escaping from "**the front side of the drive including the opening**" thereby to prevent potential injury arising from the fragments travel at high speed.

In Bracken, on the other hand, "[a]n air shroud is disclosed for reducing vibration of the disk storage medium and controlling contamination in the environment above the disk in an optical disk data recording system." (See abstract). Because the air shroud does not function to act as a barricade to prevent fragments of the disc from escaping from the front side including the opening to the housing, the air shroud is not

positioned to prevent fragments from escaping from the front side of the drive including the opening 12 (see FIG. 1 of Bracken). It is thus submitted that the limitation of claim 1, "wherein the fragment barricade is positioned within the drive so as to **prevent fragments of a disc from escaping from the front side of the drive including the opening**" is not disclosed in Bracken.

As all the limitations of claim 1 are not disclosed in Bracken, it is submitted that claim 1 is allowable. As claims 2-9 are dependent upon claim 1, they are also allowable.

Claim 11, as amended, also includes the limitation "wherein the fragment barricade is positioned within the drive so as to **prevent fragments of a disc from escaping from the front side of the drive including the opening**." In view of the remarks above, it is also submitted that claim 11 is allowable.

Claim 10, as amended, relates to "[a] fragment barricade comprising **an elongate member**, wherein the fragment barricade is positionable proximate a front side a drive so as to prevent fragments of a disc from escaping from the front side of the drive."

Bracken discloses a circular shroud and not **an elongate member**. As Bracken does not disclose all the limitations of claim 10, it is also submitted that claim 10 is allowable.

New claims 12-14 have been added. Claim 12 includes the limitation "wherein the fragment barricade is positioned within the drive housing **proximate the opening** so as to prevent fragments of a disc from **escaping from the opening to the drive housing**." Clearly the "shroud" in Bracken is not positioned proximate the opening 12 (see FIG. 1 in Bracken).

In view of the above it is submitted that claim 12 is allowable. As claims 12 and 13 are dependent upon claim 12, they are also allowable.

3. Conclusion

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.


It should furthermore be noted that the above amendments to the claims have not been made within view to overcoming any prior art of which the Applicants are aware, or that has been cited in the present Office Action. The above amendments have been made with a view to modifying the form of the claims.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,

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